

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

23 Cr. 16 (JHR)

- v. -

SERGEY SHESTAKOV,

PROTECTIVE ORDER  
WITH RESPECT TO CERTAIN  
CLASSIFIED MATERIALS

Defendant.

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This matter came before the Court on the Government’s motion (the “Government Motion”), exhibits, and the declarations of Government officials, which were filed *ex parte, in camera*, and through the Classified Information Security Officer on September 30, 2024 (collectively, the “Government Submission”).

The Government Submission sought a protective order, pursuant to Section 4 of the Classified Information Procedures Act (“CIPA”) and Rule 16(d)(1) of the Federal Rules of Criminal Procedure, regarding disclosure of certain information. *See* 18 U.S.C. App. 3, § 4. After *ex parte, in camera* consideration of the Government Submission, this Court finds:

1. The Government Submission contains and describes classified information that requires protection against unauthorized disclosure. That information is described with particularity in the Government Submission.
2. The head of the department(s) that has or have control of the classified information described in the Government Submission, after personal consideration, has lodged the state secrets privilege with respect to that classified information.

3. Disclosure of the Classified Materials, as defined in the Government Motion, to the defendant, defense counsel, or the public could reasonably be expected to harm national security.
4. The Classified Materials are cumulative of materials already provided to the defense and/or are not relevant and helpful to the defense, that is, useful to counter the Government's case or bolster a defense, as required under *United States v. Aref*, 533 F.3d 72, 78 (2d Cir. 2008).

Accordingly, it is:

ORDERED that the Government Motion is granted, and the Classified Materials, as defined in the Government Motion, and described herein, need not be disclosed to the defense; and it is further

ORDERED that the Government Submission is hereby sealed, and shall remain preserved in the custody of the Classified Information Security Officer or his designee, in accordance with established court security procedures, until further order of this Court.

SO ORDERED this \_\_\_\_ day of \_\_\_\_, 2024.

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HON. JENNIFER H. REARDEN  
United States District Judge  
Southern District of New York